

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION OPIATE LITIGATION)	MDL 2804
)	
)	Case No. 1:17-md-2804
<i>This Document Relates To:</i>)	
)	1:19-op-45050-DAP
KENTUCKY RIVER DISTRICT HEALTH DEPARTMENT)	
)	
V.)	Judge Dan Aaron Polster
)	
)	SHORT FORM FOR
ACTAVIS PHARMA, INC. F/K/A WATSON PHARMA, INC.; ALLERGAN PLC, F/K/A ACTAVIS PLC; WATSON LABORATORIES, INC.; ACTAVIS, LLC; ALLERGAN FINANCE LLC F/K/A ACTAVIS, INC. F/K/A WATSON PHARMACEUTICALS, INC.; AMNEAL PHARMACEUTICALS, LLC; AMERISOURCEBERGEN DRUG CORP.; ANDA, INC.; ASSOCIATED PHARMACIES, INC.; AUBURN PHARMACEUTICAL; CARDINAL HEALTH, INC.; CVS HEALTH CORPORATION; ENDO HEALTH SOLUTIONS, INC.; ENDO PHARMACEUTICALS, INC.; FOREST LABORATORIES, INC.; THE HARVARD DRUG GROUP; H. D. SMITH WHOLESALE DRUG CO. K/N/A H.D. SMITH, LLC; JOHNSON & JOHNSON; ORTHO-MCNEIL-JANSSEN PHARMACEUTICALS, N/K/A JANSSEN PHARMACEUTICALS, INC.; JANSSEN PHARMACEUTICALS, INC. N/K/A JANSSEN PHARMACEUTICALS, INC.; NORAMCO, INC.; JANSSEN PHARMACEUTICALS, INC.; KEYSOURCE MEDICAL; THE KROGER CO.; MCKESSON CORPORATION; MIAMI-LUKEN, INC.; MORRIS DICKSON CO.; MYLAN PHARMACEUTICALS, INC.;)	SUPPLEMENTING COMPLAINT AND AMENDING DEFENDANTS AND JURY DEMAND

OMNICARE DISTRIBUTION CENTER)
 LLC; PAR PHARMACEUTICAL, INC.;)
 PAR PHARMACEUTICAL)
 COMPANIES, INC.; PFIZER)
 LABORATORIES DIV PFIZER INC.;)
 PURDUE PHARMA L.P.; PURDUE)
 PHARMA, INC.; PURDUE FREDERICK)
 COMPANY, INC.; QUEST)
 PHARMACEUTICALS INC.; RHODES)
 PHARMACEUTICALS L.P.; RITE AID)
 CORPORATION; RICHIE)
 PHARMACAL CO.; RIVER CITY)
 PHARMA; SAJ DISTRIBUTORS;)
 SANDOZ INC.; SMITH DRUG)
 COMPANY A/K/A J M SMITH)
 CORPORATION; SPECGX LLC;)
 SCHWARZ PHARMA, INC. N/K/A UCB,)
 INC.; TEVA PHARMACEUTICAL)
 INDUSTRIES, LTD.; TEVA)
 PHARMACEUTICALS USA, INC.;)
 WALGREENS BOOTS ALLIANCE,)
 INC.; WAL-MART, INC.; WEST-WARD)
 PHARMACEUTICALS CORP. K/N/A)
 HIKMA PHARMACEUTICALS, PLC;)
 CEPHALON, INC.; MALLINCKRODT)
 LLC; MALLINCKRODT PLC; DOES 1-)
 100)

***** ** ** *****

Plaintiffs submit this supplemental pleading and Amended Complaint incorporating as if
 fully set forth herein their own prior pleadings and, if indicated below, the common factual
 allegations identified and the RICO causes of action included in the Corrected Second Amended
 Complaint and Jury Demand in the case of *The County of Summit, Ohio, et al., v. Purdue
 Pharma L.P., et al.*, Case No. 1:18-op-45090 (“*Summit County Pleadings*”), *In Re National
 Prescription Opiate Litigation*, in the United States District Court for the Northern District of
 Ohio, Doc. ##: 513, 514,¹ and as may be amended in the future, and any additional claims

¹ Docket #: 513 is the redacted Summit Second Amended Complaint and Docket #: 514 is the unredacted Summit
 Corrected Second Amended Complaint filed under seal in Case No. 1:17-md-02804-DAP. The redacted Summit

asserted herein. Plaintiffs also hereby amend their complaint to alter the defendants against which claims are asserted as identified below. To the extent defendants were previously sued in Plaintiffs' existing complaint and they are no longer identified as defendants herein, they have been dismissed without prejudice except as limited by CMO-1, Section 6(e). Doc. #: 232.

INCORPORATION BY REFERENCE OF EXISTING COMPLAINT

1. Plaintiffs' Existing Complaint, *Kentucky River District Health Department v. Purdue Pharma L.P., et al.* (1:19-op-45050-DAP), as well as the *Summit County* Pleadings, are expressly incorporated by reference to this Short Form Complaint as if fully set forth herein except to the extent that allegations regarding certain defendants that are not listed in section 2 below are dismissed without prejudice.

PARTIES – DEFENDANTS

2. Having reviewed the relevant ARCOS data, Plaintiffs assert claims against the following Defendants:

ACTAVIS PHARMA, INC. F/K/A WATSON PHARMA, INC.; ALLERGAN PLC, F/K/A ACTAVIS PLC; WATSON LABORATORIES, INC.; ACTAVIS, LLC; ALLERGAN FINANCE LLC F/K/A ACTAVIS, INC. F/K/A WATSON PHARMACEUTICALS, INC.; AMNEAL PHARMACEUTICALS, LLC; AMERISOURCEBERGEN DRUG CORP.; ANDA, INC.; ASSOCIATED PHARMACIES, INC.; AUBURN PHARMACEUTICAL; CARDINAL HEALTH, INC.; CVS HEALTH CORPORATION; ENDO HEALTH SOLUTIONS, INC.; ENDO PHARMACEUTICALS, INC.; FOREST LABORATORIES, INC.; THE HARVARD DRUG GROUP; H. D. SMITH WHOLESALE DRUG CO. K/N/A H.D. SMITH, LLC; JOHNSON & JOHNSON; ORTHO-MCNEIL-JANSSEN PHARMACEUTICALS, N/K/A JANSSEN PHARMACEUTICALS, INC.; JANSSEN PHARMACEUTICALS, INC. N/K/A JANSSEN PHARMACEUTICALS, INC.; NORAMCO, INC.; JANSSEN PHARMACEUTICALS, INC.; KEYSOURCE MEDICAL; THE KROGER CO.; MCKESSON CORPORATION; MIAMI-LUKEN, INC.; MORRIS DICKSON CO.; MYLAN PHARMACEUTICALS, INC.; OMNICARE DISTRIBUTION CENTER LLC; PAR PHARMACEUTICAL, INC.; PAR PHARMACEUTICAL COMPANIES, INC.; PFIZER LABORATORIES DIV PFIZER INC.; PURDUE PHARMA L.P.; PURDUE PHARMA, INC.; PURDUE FREDERICK COMPANY, INC.; QUEST PHARMACEUTICALS INC.; RHODES PHARMACEUTICALS L.P.; RITE AID CORPORATION; RICHIE PHARMACEUTICAL CO.;

RIVER CITY PHARMA; SAJ DISTRIBUTORS; SANDOZ INC.; SMITH DRUG COMPANY A/K/A J M SMITH CORPORATION; SPECGX LLC; SCHWARZ PHARMA, INC. N/K/A UCB, INC.; TEVA PHARMACEUTICAL INDUSTRIES, LTD.; TEVA PHARMACEUTICALS USA, INC.; WALGREENS BOOTS ALLIANCE, INC.; WAL-MART, INC.; WEST-WARD PHARMACEUTICALS CORP. K/N/A HIKMA PHARMACEUTICALS, PLC; CEPHALON, INC.; MALLINCKRODT LLC; MALLINCKRODT PLC.; DOES 1-100

I, Robert K. Finnell, Counsel for Plaintiffs, certify that in identifying all Defendants, I have followed the procedure approved by the Court and reviewed the ARCOS data that I understand to be relevant to Plaintiffs.

I further certify that, except as set forth below, each of the Defendants newly added herein appears in the ARCOS data I reviewed.

I understand that for each newly added Defendant not appearing in the ARCOS data I must set forth below factual allegations sufficient to state a claim against any such newly named Defendant that does not appear in the ARCOS data.

The following newly added Defendant(s) *do not appear* in the ARCOS data I reviewed:

N/A

Dated: March 15, 2019

Signed: /s/ Robert K. Finnell

Factual Allegations Regarding Individual Defendants

2.1 Defendants ASSOCIATED PHARMACIES, INC.; AUBURN PHARMACEUTICAL; CVS HEALTH CORPORATION; FOREST LABORATORIES, INC.; THE HARVARD DRUG GROUP; KEYSOURCE MEDICAL; THE KROGER CO.; MIAMI-LUKEN, INC.; MORRIS DICKSON CO.; PAR PHARMACEUTICAL, INC.; PAR PHARMACEUTICAL COMPANIES, INC.; PFIZER LABORATORIES DIV PFIZER INC.; RHODES PHARMACEUTICALS L.P.; RITE AID CORPORATION; RIVER CITY PHARMA; SAJ DISTRIBUTORS; SMITH DRUG COMPANY A/K/A J M SMITH CORPORATION; SCHWARZ PHARMA, INC. N/K/A UCB, INC.; WALGREENS BOOTS ALLIANCE, INC.; WAL-MART, INC.; WEST-WARD PHARMACEUTICALS CORP. K/N/A HIKMA PHARMACEUTICALS, PLC; JANSSEN PHARMACEUTICA, INC. N/K/A JANSSEN PHARMACEUTICALS, INC. are hereby added as Defendants by this pleading based on the following jurisdictional allegations:

2.1.1 Defendant **Associated Pharmacies, Inc.** is an Alabama corporation with its principal office located in Scottsboro, Alabama. Associated Pharmacies, Inc. operates as a subsidiary of American Associated Pharmacies, Incorporated. **Associated Pharmacies, Inc.** distributed opioids, in violation of the duties owed to Plaintiffs as set forth in Plaintiffs' original

complaint and the other allegations incorporated herein, in sufficient quantities to be a proximate cause of Plaintiffs injuries. Associated Pharmacies, Inc. is being sued as a Distributor Defendant.

2.1.2 Defendant **Auburn Pharmaceutical** is a Michigan Corporation with its principal place of business in Troy, Michigan. Auburn Pharmaceutical distributed opioids, in violation of the duties owed to Plaintiffs as set forth in Plaintiffs' original complaint and the other allegations incorporated herein, in sufficient quantities to be a proximate cause of Plaintiffs' injuries. Auburn Pharmaceutical Company is being sued as a Distributor Defendant.

2.1.3 Defendant **CVS Health Corporation** is a Delaware corporation with its principal place of business in Rhode Island. CVS Health Corporation conducts business as a licensed wholesale distributor under the following named business entities: CVS Indiana, L.L.C.; CVS Orlando FL Distribution; CVS Pharmacy, Inc.; CVS RX Services, Inc, d/b/a CVS Pharmacy Distribution Center; CVS TN Distribution, LLC; and CVS VERO FL Distribution, L.L.C (collectively "CVS"). CVS is registered to conduct business and/or conducts business in Plaintiffs' community as a licensed wholesale pharmaceutical Distributor. CVS distributed opioids, in violation of the duties owed to Plaintiffs as set forth in Plaintiffs' original complaint and the other allegations incorporated herein, in sufficient quantities to be a proximate cause of Plaintiffs' injuries. CVS is being sued as a Distributor Defendant.

2.1.4 Defendant **Forest Laboratories, Inc.** is a Delaware Corporation with its principal place of business in New York. Forest Laboratories, Inc. manufactures, promotes, distributes, and/or sells opioids throughout Plaintiffs' Communities and/or the rest of the nation in violation

of the duties owed to Plaintiffs, in sufficient quantities to be a proximate cause of Plaintiffs' injuries. Forest Laboratories, Inc. is being sued as a Marketing Defendant.²

2.1.5 Defendant **The Harvard Drug Group** is a Michigan limited liability company with its principal office located in Plymouth, Michigan. The Harvard Drug Group, L.L.C. distributed opioids, in violation of the duties owed to Plaintiffs as set forth in Plaintiffs' original complaint and the other allegations incorporated herein, in sufficient quantities to be a proximate cause of Plaintiffs' injuries. The Harvard Drug Group, L.L.C. is being sued as a Distributor Defendant.

2.1.6 Defendant **KeySource Medical** is an Ohio corporation with its principal office located in Cincinnati, Ohio. KeySource Medical distributed opioids, in violation of the duties owed to Plaintiffs as set forth in Plaintiffs' original complaint and the other allegations incorporated herein, in sufficient quantities to be a proximate cause of Plaintiffs' injuries. KeySource Medical is being sued as a Distributor Defendant.

2.1.7 Defendant **The Kroger Co. ("Kroger")** is an Ohio corporation with its headquarters in Cincinnati, Ohio. Fred Meyer, Inc. merged with Kroger in 1999. Kroger operates 2,268 pharmacies in the United States. Kroger distributed opioids, in violation of the duties owed to Plaintiffs as set forth in Plaintiffs' original complaint and the other allegations incorporated herein, in sufficient quantities to be a proximate cause of Plaintiffs' injuries. Kroger is being sued as a Distributor Defendant.

2.1.8 Defendant **Miami-Luken, Inc.** is an Ohio corporation with its principal place of business in Sprigboro, Ohio. Miami-Luken distributes pharmaceuticals to retail pharmaceuticals

² "Marketing Defendant" is the term used in the *The County of Summit, Ohio, et al., v. Purdue Pharma L.P., et al.*, Case No. 1:18-op-45090 pleadings. In Plaintiff's original complaint, incorporated herein, the term "Manufacturer Defendants" was used to refer to the same entities. For the purposes of this Short Form Complaint, Plaintiff uses the term "Marketing Defendant" but expressly incorporates each and every jurisdictional and factual allegation previously asserted in Plaintiff's original complaint against the "Manufacturing Defendants."

and institutional providers in Kentucky, Ohio, Tennessee, West Virginia, Pennsylvania, and Michigan. Miami-Luken distributed opioids, in violation of the duties owed to Plaintiffs as set forth in Plaintiffs' original complaint and the other allegations incorporated herein, in sufficient quantities to be a proximate cause of Plaintiffs' injuries. Miami-Luken is being sued as a Distributor Defendant.

2.1.9 Defendant **Morris Dickson Co.** is a Louisiana limited liability company and maintains its principal place of business in Shreveport, Louisiana. Morris Dickson Co distributed opioids, in violation of the duties owed to Plaintiffs as set forth in Plaintiffs' original complaint and the other allegations incorporated herein, in sufficient quantities to be a proximate cause of Plaintiffs' injuries. Morris Dickson Co. is being sued as a Distributor Defendant.

2.1.10 Defendant **Par Pharmaceutical, Inc.** is a Delaware corporation with its principal place of business located in Chestnut Ridge, New York. Par Pharmaceutical, Inc. is a wholly-owned subsidiary of Par Pharmaceutical Companies, Inc. f/k/a Par Pharmaceutical Holdings, Inc. Defendant **Par Pharmaceutical Companies, Inc.** is a Delaware corporation with its principal place of business located in Chestnut Ridge, New York. Par Pharmaceutical, Inc., and Par Pharmaceutical Companies, Inc., (collectively "Par Pharmaceutical") was acquired by Endo International plc in September 2015 and is an operating company of Endo International plc. Par Pharmaceutical is registered to conduct business and/or conducts business in Plaintiffs' community as a licensed wholesale pharmaceutical distributor. Par Pharmaceutical manufactures, promotes, distributes, and/or sells opioids throughout Plaintiffs' Communities and/or the rest of the nation in violation of the duties owed to Plaintiffs in sufficient quantities to be a proximate cause of Plaintiffs' injuries. Par Pharmaceutical is being sued as a Marketing Defendant.

2.1.11 Defendant **Pfizer Laboratories Div Pfizer Inc.** (“Pfizer”) is a Delaware corporation with its principal place of business in New York, New York. Pfizer manufactures, promotes, distributes, and/or sells opioids throughout Plaintiffs’ Communities and/or the rest of the nation in violation of the duties owed to Plaintiffs in sufficient quantities to be a proximate cause of Plaintiffs’ injuries. Pfizer is being sued as a Marketing Defendant.

2.1.12 Defendant **Rhodes Pharmaceuticals L.P.** (“Rhodes”) is a Delaware limited partnership formed in or around 2007 with headquarters located in Coventry, Rhode Island. Rhodes manufactures, promotes, distributes, and/or sells opioids throughout Plaintiffs’ Communities and/or the rest of the nation in violation of the duties owed to Plaintiffs in sufficient quantities to be a proximate cause of Plaintiffs’ injuries. Rhodes is being sued as a Marketing Defendant.

2.1.13 Defendant **Rite Aid Corporation** (“Rite Aid”) is a Delaware corporation with its principal place of business in Camp Hill, Pennsylvania. During all relevant times, Rite Aid distributed opioids, in violation of the duties owed to Plaintiffs as set forth in Plaintiffs’ original complaint and the other allegations incorporated herein, in sufficient quantities to be a proximate cause of Plaintiffs’ injuries. Rite Aid is being sued as a Distributor Defendant.

2.1.14 Defendant **River City Pharma** is An Ohio limited liability company headquartered in Mason, Ohio. River City Pharma distributed opioids, in violation of the duties owed to Plaintiffs as set forth in Plaintiffs’ original complaint and the other allegations incorporated herein, in sufficient quantities to be a proximate cause of Plaintiffs’ injuries. River City Pharma is being sued as a Distributor Defendant.

2.1.15 Defendant **SAJ Distributors** is an Arkansas corporation with its principal office located in Pine Bluff, Arkansas. SAJ Distributors distributed opioids, in violation of the duties

owed to Plaintiffs as set forth in Plaintiffs' original complaint and the other allegations incorporated herein, in sufficient quantities to be a proximate cause of Plaintiffs' injuries. SAJ Distributors is being sued as a Distributor Defendant.

2.1.16 Defendant **Smith Drug Company a/k/a J M Smith Corporation**, is registered with the West Virginia Secretary of State as a South Carolina corporation with its principal office located in Spartanburg, South Carolina, doing business as Smith Drug Company. Smith Drug Company distributed opioids, in violation of the duties owed to Plaintiffs as set forth in Plaintiffs' original complaint and the other allegations incorporated herein, in sufficient quantities to be a proximate cause of Plaintiffs' injuries. Smith Drug Company is being sued as a Distributor Defendant.

2.1.17 Defendant **Schwarz Pharma, Inc. n/k/a UCB, Inc.** is a Delaware corporation with a principal place of business in Georgia. UCB, Inc. manufactures, promotes, distributes, and/or sells opioids throughout Plaintiffs' Communities and/or the rest of the nation in violation of the duties owed to Plaintiffs in sufficient quantities to be a proximate cause of Plaintiffs' injuries. UCB, Inc. is being sued as a Marketing Defendant.

2.1.18 Defendant **Walgreens Boots Alliance, Inc.** ("Walgreens") is a Delaware corporation with its principal place of business in Deerfield, Illinois. During all relevant times, Walgreens distributed opioids, in violation of the duties owed to Plaintiffs as set forth in Plaintiffs' original complaint and the other allegations incorporated herein, in sufficient quantities to be a proximate cause of Plaintiffs' injuries. Walgreens is being sued as a Distributor Defendant.

2.1.19 Defendant **Wal-Mart, Inc.** ("Walmart") formerly known as Wal-Mart Stores, Inc., is a Delaware corporation with its principal place of business in Bentonville, Arkansas.

Walmart is registered to conduct business and/or conducts business in Plaintiffs' Communities as a licensed wholesale distributor. Walmart distributed opioids, in violation of the duties owed to Plaintiffs as set forth in Plaintiffs' original complaint and the other allegations incorporated herein, in sufficient quantities to be a proximate cause of Plaintiffs' injuries. Walmart is being sued as a Distributor Defendant.

2.1.20 Defendant **West-Ward Pharmaceuticals Corp. k/n/a Hikma Pharmaceuticals, PLC** ("West-Ward") is hereby now named replacing Hikma Pharmaceuticals PLC. Plaintiffs expressly incorporate the jurisdictional and factual allegations previously asserted in Plaintiffs' original complaint against Hikma Pharmaceuticals PLC as if set forth in full herein against West-Ward. West-Ward Pharmaceuticals Corp. is being sued as a Marketing Defendant.

2.1.21 Defendant **Janssen Pharmaceutica, Inc. N/K/A Janssen Pharmaceuticals, Inc.** is hereby now named replacing Janssen Pharmaceutica, Inc. Plaintiffs expressly incorporate the jurisdictional and factual allegations previously asserted in Plaintiffs' original complaint against Janssen Pharmaceutica, Inc. as if set forth in full herein against Janssen Pharmaceutica, Inc. N/K/A Janssen Pharmaceuticals, Inc. Janssen Pharmaceutica, Inc. N/K/A Janssen Pharmaceuticals, Inc. is being sued as a Marketing Defendant.

COMMON FACTUAL ALLEGATIONS

3. By checking the boxes in this section, Plaintiffs hereby incorporate by reference to this document the common factual allegations set forth in the *Summit County* Pleadings as identified in the Court's Order implementing the Short Form procedure. Doc. #: 1282.

- ☒ Common Factual Allegations (Paragraphs 130 through 670 and 746 through 813)
- ☒ RICO Marketing Enterprise Common Factual Allegations (Paragraphs 814-848)
- ☒ RICO Supply chain Enterprise Common Factual Allegations (Paragraphs 849-877)

4. If additional claims are alleged below that were not pled in Plaintiffs' Existing Complaint (other than the RICO claims asserted herein), the facts supporting those allegations must be pleaded here. Plaintiffs assert the following additional facts to support the claim(s) identified in Paragraph 6 below (below or attached):

N/A

CLAIMS

5. The following federal **RICO causes of action** asserted in the *Summit County* Pleadings as identified in the Court's implementing order and any subsequent amendments, Doc. #: 1282, are incorporated in this Short Form by reference, in addition to the causes of action already asserted in the Plaintiffs' Existing Complaint (check all that apply):

☒ First Claim for Relief – Violation of RICO, 18 U.S.C. § 1961 *et seq.* – Opioid Marketing Enterprise (Against Defendants Purdue, Cephalon, Janssen, Endo and Mallinckrodt (the “RICO Marketing Defendants”)) (*Summit County* Pleadings, Paragraphs 878-905)

☒ Second Claim for Relief – Violation of RICO, 18 U.S.C. § 1961 *et seq.* – Opioid Supply Chain enterprise (Against Defendants Purdue, Cephalon, Endo, Mallinckrodt, Actavis, McKesson, Cardinal, and AmerisourceBergen (the “RICO Supply Chain Defendants”)) (*Summit County* Pleadings, Paragraphs 906-938)

6. Plaintiffs assert the following **additional claims** as indicated (below or attached):

N/A

7. To the extent Plaintiffs wish to **dismiss claims** previously asserted in Plaintiffs' Complaint, they are identified below and will be dismissed without prejudice.

N/A

WHEREFORE, Plaintiffs pray for relief as set forth in the *Summit County* Pleadings in *In Re National Prescription Opiate Litigation* in the United States District Court for the Northern

District of Ohio, MDL No. 2804 and in Plaintiffs' Existing Complaint as has been amended herein.

Dated: March 15, 2019

/s/ Robert K. Finnell

ROBERT K. FINNELL

Ga. Bar No. 261575

THE FINNELL FIRM

1 W. 4th Street, Suite 200

Rome, GA 30161

Phone: (706) 235-7272

Facsimile: (706) 235-9461

Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of March, 2019, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF System. Copies will be served upon counsel of record by, and may be obtained through, the Court CM/ECF systems.

By: /s/ Robert K. Finnell
ROBERT K. FINNELL
Georgia Bar No. 261575
THE FINNELL FIRM
One West Fourth Avenue, Suite 200
Post Office Box 63
Rome, Georgia 30162
Phone: (706) 235-7272
Facsimile: (706) 235-9461
bob@finnellfirm.com